

SB3399



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3399

Introduced 2/10/2010, by Sen. Jeffrey M. Schoenberg

SYNOPSIS AS INTRODUCED:

30 ILCS 500/30-30

Amends the Illinois Procurement Code. Removes the 2012 elimination of the Capital Development Board's authority to waive, under certain circumstances, the separate bid requirement for the 5 subdivisions of work with respect to construction contracts in excess of \$250,000. Effective immediately.

LRB096 20469 JAM 36124 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by
5 changing Section 30-30 as follows:

6 (30 ILCS 500/30-30)

7 Sec. 30-30. Contracts in excess of \$250,000. For building
8 construction contracts in excess of \$250,000, separate
9 specifications shall be prepared for all equipment, labor, and
10 materials in connection with the following 5 subdivisions of
11 the work to be performed:

12 (1) plumbing;

13 (2) heating, piping, refrigeration, and automatic
14 temperature control systems, including the testing and
15 balancing of those systems;

16 (3) ventilating and distribution systems for
17 conditioned air, including the testing and balancing of
18 those systems;

19 (4) electric wiring; and

20 (5) general contract work.

21 The specifications must be so drawn as to permit separate
22 and independent bidding upon each of the 5 subdivisions of
23 work. All contracts awarded for any part thereof shall award

1 the 5 subdivisions of work separately to responsible and
2 reliable persons, firms, or corporations engaged in these
3 classes of work. The contracts, at the discretion of the
4 construction agency, may be assigned to the successful bidder
5 on the general contract work or to the successful bidder on the
6 subdivision of work designated by the construction agency
7 before the bidding as the prime subdivision of work, provided
8 that all payments will be made directly to the contractors for
9 the 5 subdivisions of work upon compliance with the conditions
10 of the contract. A contract may be let for one or more
11 buildings in any project to the same contractor. The
12 specifications shall require, however, that unless the
13 buildings are identical, a separate price shall be submitted
14 for each building. The contract may be awarded to the lowest
15 responsible bidder for each or all of the buildings included in
16 the specifications.

17 ~~The~~ ~~Until a date 3 years after the effective date of this~~
18 ~~amendatory Act of the 95th General Assembly,~~ the requirements
19 of this Section do not apply to a construction project for
20 which the Capital Development Board is the construction agency
21 if: (i) the project budget is at least \$20,000,000; (ii) the
22 Capital Development Board has submitted to the Procurement
23 Policy Board a written request for a public hearing on waiver
24 of the application of the requirements of this Section to that
25 project, including its reasons for seeking the waiver and why
26 the waiver is in the best interest of the State; (iii) the

1 Capital Development Board has posted notice of the waiver
2 hearing on its procurement web page and on the online
3 Procurement Bulletin at least 15 working days before the
4 hearing; (iv) the Procurement Policy Board, after conducting
5 the public hearing on the waiver request, reviews and approves
6 the request in writing before the award of the contract; (v)
7 the successful low bidder has prequalified with the Capital
8 Development Board; (vi) the bid of the successful low bidder
9 identifies the name of the subcontractor, if any, and the bid
10 proposal costs for each of the 5 subdivisions of work set forth
11 in this Section; and (vii) the contract entered into with the
12 successful bidder provides that no identified subcontractor
13 may be terminated without the written consent of the Capital
14 Development Board. With respect to any construction project
15 described in this paragraph, the Capital Development Board
16 shall: (i) provide to the Auditor General an affidavit that the
17 waiver of the application of the requirements of this Section
18 is in the best interest of the State; (ii) specify in writing
19 as a public record that the project shall comply with the
20 disadvantaged business practices of the Business Enterprise
21 for Minorities, Females, and Persons with Disabilities Act and
22 the equal employment practices of Section 2-105 of the Illinois
23 Human Rights Act; and (iii) report annually to the Governor and
24 the General Assembly on the bidding, award, and performance. On
25 and after the effective date of this amendatory Act of the 95th
26 General Assembly, the Capital Development Board may award in

1 each year contracts with an aggregate total value of no more
2 than \$100,000,000 with respect to construction projects
3 described in this paragraph.

4 Until a date 5 years after the effective date of this
5 amendatory Act of the 94th General Assembly, the requirements
6 of this Section do not apply to the Capitol Building HVAC
7 upgrade project if (i) the bid of the successful bidder
8 identifies the name of the subcontractor, if any, and the bid
9 proposal costs for each of the 5 subdivisions of work set forth
10 in this Section, and (ii) the contract entered into with the
11 successful bidder provides that no identified subcontractor
12 may be terminated without the written consent of the Capital
13 Development Board.

14 (Source: P.A. 94-699, eff. 11-29-05; 95-758, eff. 1-1-09.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.